

REMARKS

Applicant first wishes to acknowledge telephone interviews with the Examiner on August 7 and 8, 2007. On August 7, 2007, the Examiner contacted the undersigned to advise that the claims would be allowable if amended to specify that injury to the useful plant is reduced by the addition of at least one other recited herbicide to glyphosate or glufosinate, as shown by the testing submitted with the Amendment filed May 11, 2007. The undersigned told the Examiner he would call back when he had a chance to consider such an amendment to the claims, and then contacted the Examiner on August 8, 2007, to discuss specific possible amendments. In the call on August 8, 2007, the Examiner reiterated that the claims would be allowable if amended to recite that injury to the useful plant is reduced by the addition of at least one other recited herbicide to glyphosate or glufosinate and that any proposed claim amendments should include that recitation.

By the Amendments proposed herein, which include changes to existing claims and additional new claims, all of the pending claims are directed to a process which comprises applying a herbicidally effective amount of a composition containing glufosinate or glyphosate and at least one further herbicide as defined by the particular claim, "wherein said further herbicide is present in an amount sufficient to provide an increase in selectivity wherein the useful plants would show greater injury if said further herbicide were omitted from said composition." See, *e.g.*, Amendment to pending independent claims 17 and 38.

The specification discloses obtaining an increase in selectivity for the useful plant cultivations (see page 3, lines 14-17) and the testing submitted by the Applicant shows that the herbicide composition comprising glyphosate or glufosinate plus at least one further specified herbicide improves the selectivity by reducing injury to the crop plant. Accordingly, Applicant submits the claim amendments are supported by the specification, and for the reasons given in the Amendment filed May 11, 2007, shown to be patentable over the prior art.

Applicant has included a series of new, more specific claims to combinations of herbicides that are within the scope of the amended pending claims. In particular, Applicant has re-written dependent claims 21 and 35 as independent claims 39 and 40, respectively, incorporating the limitations of the claims from which they depend. Accordingly, claims 21 and 35 have been canceled. Further, Applicant has added new claim 41 which is limited to glyphosate, one of the two named phospho-herbicides in claims 17 and 38, and the further herbicide dicamba, one of the

further herbicides listed in claims 17 and 38. There thus should be no question of support for claims 39-41, and it should raise no new questions of patentability since glyphosate plus metolachlor and glyphosate plus dicamba are combinations for which test results are reported in the evidence submitted with the Amendment of May 11, 2007.

Per MPEP 714.03(a)(2), this Supplemental Amendment is clearly limited to an adoption of the examiner's suggestions and correction of informalities and, therefore, places the application in condition for allowance. For these reasons, Applicant respectfully requests entry of this Supplemental Amendment and allowance of all the claims that would be pending as a result of entry of the Supplemental Amendment.

Fees for the independent claims in excess of three are included herewith. No additional fees are believed necessary. However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorised to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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